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SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury **08 CR 2430 BTM**

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
)	
v.	)	Title 8, U.S.C.,
	)	Secs. 1324(a)(1)(A)(i)
GERARDO SALTO-ROCHA (1),	)	and (a)(1)(B)(iv) - Bringing in
JOSE HERNANDEZ RIVAS (2),	)	Illegal Aliens Resulting in Death;
	)	Title 8, U.S.C.
Defendants.	)	Sec. 1324(a)(1)(A)(i) - Bringing
	)	in Illegal Aliens; Title 8,
	)	U.S.C., Sec. 1324(a)(2)(B)(ii) -
	)	Bringing in Illegal Aliens for
	)	Financial Gain; Title 18, U.S.C.,
	)	Sec. 2 - Aiding and Abetting;
	)	Title 8, U.S.C., Secs. 1326(a) and
	)	(b) - Deported Alien Found in the
	)	United States

The grand jury charges:

Count 1

On or about July 7, 2008, within the Southern District of California, defendant GERARDO SALTO-ROCHA, with the intent to violate the immigration laws of the United States, did bring, and attempt to bring, to the United States an alien, namely, Lidio Rocha-Diaz, knowing that said person was an alien, at a place other than a designated port of entry and at a place other than as designated by the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 251 and 557), resulting in the death of the

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1 alien; in violation of Title 8, United States Code,
2 Sections 1324(a)(1)(A)(i) and (a)(1)(B)(iv).

3 Count 2

4 On or about July 7, 2008, within the Southern District of
5 California, defendant GERARDO SALTO-ROCHA, with the intent to violate
6 the immigration laws of the United States, did bring or attempt to the
7 United States an alien, namely, Pedro Nieto-Rojas, knowing that said
8 person was an alien, at a place other than a designated port of entry
9 and at a place other than as designated by the Department of
10 Homeland Security; in violation of Title 8, United States Code,
11 Section 1324(a)(1)(A)(i).

12 Count 3

13 On or about July 7, 2008, within the Southern District of
14 California, defendant GERARDO SALTO-ROCHA, with the intent to violate
15 the immigration laws of the United States, knowing and in reckless
16 disregard of the fact that an alien, namely, Pedro Nieto-Rojas, had
17 not received prior official authorization to come to, enter and reside
18 in the United States, did bring to and attempt to bring to the United
19 States said alien for the purpose of commercial advantage and private
20 financial gain; in violation of Title 8, United States Code,
21 Section 1324(a)(2)(B)(ii), and Title 18, United States Code,
22 Section 2.

23 Count 4

24 On or about July 7, 2008, within the Southern District of
25 California, defendant GERARDO SALTO-ROCHA, with the intent to violate
26 the immigration laws of the United States, did bring or attempt to the
27 United States an alien, namely, Epifanio Barajas-Rodriguez, knowing
28 that said person was an alien, at a place other than a designated port

1 of entry and at a place other than as designated by the Department of
2 Homeland Security; in violation of Title 8, United States Code,
3 Section 1324(a)(1)(A)(i).

4 Count 5

5 On or about July 7, 2008, within the Southern District of
6 California, defendant GERARDO SALTO-ROCHA, with the intent to violate
7 the immigration laws of the United States, knowing and in reckless
8 disregard of the fact that an alien, namely, Epifanio Barajas-
9 Rodriguez, had not received prior official authorization to come to,
10 enter and reside in the United States, did bring to and attempt to
11 bring to the United States said alien for the purpose of commercial
12 advantage and private financial gain; in violation of Title 8, United
13 States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States
14 Code, Section 2.

15 Count 6

16 On or about July 7, 2008, within the Southern District of
17 California, defendant GERARDO SALTO-ROCHA, with the intent to violate
18 the immigration laws of the United States, did bring or attempt to the
19 United States an alien, namely, Atenedoro Perez-Cortes, knowing that
20 said person was an alien, at a place other than a designated port of
21 entry and at a place other than as designated by the Department of
22 Homeland Security; in violation of Title 8, United States Code,
23 Section 1324(a)(1)(A)(i).

24 Count 7

25 On or about July 7, 2008, within the Southern District of
26 California, defendant GERARDO SALTO-ROCHA, with the intent to violate
27 the immigration laws of the United States, knowing and in reckless
28 disregard of the fact that an alien, namely, Atenedoro Perez-Cortes,

1 had not received prior official authorization to come to, enter and
2 reside in the United States, did bring to and attempt to bring to the
3 United States said alien for the purpose of commercial advantage and
4 private financial gain; in violation of Title 8, United States Code,
5 Section 1324(a)(2)(B)(ii), and Title 18, United States Code,
6 Section 2.

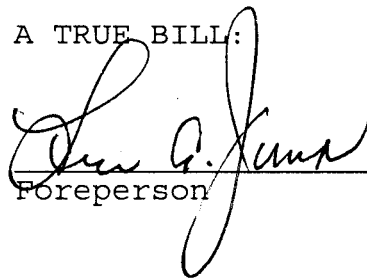
7 Count 8

8 On or about July 8, 2006, within the Southern District of
9 California, defendant JOSE HERNANDEZ RIVAS, an alien, who previously
10 had been excluded, deported and removed from the United States to
11 Mexico, was found in the United States, without the Attorney General
12 of the United States or his designated successor, the Secretary of the
13 Department of Homeland Security (Title 6, United States Code,
14 Sections 202(3) and (4), and 557), having expressly consented to the
15 defendant's reapplication for admission into the United States; in
16 violation of Title 8, United States Code, Sections 1326(a) and (b).

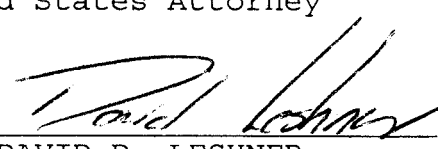
17 It is further alleged that defendant JOSE HERNANDEZ RIVAS was
18 removed from the United States subsequent to October 25, 2007.

19 DATED: July 23, 2008.

20 A TRUE BILL:

21 
22 Foreperson

23 KAREN P. HEWITT
24 United States Attorney

25 
26 By: DAVID D. LESHNER
27 Assistant U.S. Attorney
28